

IN THE UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

OPERATING ENGINEERS LOCAL 66, AFL-CIO )  
 AND CONSTRUCTION INDUSTRY COMBINED )  
 FUNDS, INC., as agent for BOARD OF )  
 TRUSTEES OF OPERATING ENGINEERS )  
 LOCAL 66 ANNUITY AND SAVINGS FUND, )  
 OPERATING ENGINEERS CONSTRUCTION )  
 INDUSTRY AND MISCELLANEOUS PENSION )  
 FUND, OPERATING ENGINEERS LOCAL 66 )  
 BENEFIT FUND, OPERATING ENGINEERS )  
 LOCAL 66 WELFARE FUND; WESTERN )  
 PENNSYLVANIA OPERATING ENGINEERS )  
 JOINT APPRENTICESHIP AND TRAINING )  
 PROGRAM, )

Civil Action No. 06-1380

Plaintiff,

v.

BABCOCK EXCAVATING, INC.,

Defendant.

**CONSENT JUDGMENT**

AND NOW, this 7<sup>th</sup> day of Nov. 2006, with the consent of the parties,

judgment is hereby entered in favor of the Plaintiff and against Defendant Babcock Excavating, Inc. in the amount of \$42,985.47.

Payments will be made as follows on the balance due under this judgment and the judgment pending at docket no. 06-0254:

|                     |   |  |
|---------------------|---|--|
| By November 3, 2006 | - | \$ 7,531.68  |
| By December 1, 2006 | - | \$15,108.85  |
| By January 1, 2007  | - | \$15,108.85  |
| By February 1, 2007 | - | \$15,108.85  |
| By March 1, 2007    | - | \$15,108.85  |
| By April 1, 2007    | - | \$15,108.85  |
| By May 1, 2007      | - | \$15,108.85, plus additional interest from<br>September 30, 2006 |
| By June 1, 2007     | - | \$ 3,540.65  |

Defendant agrees to submit to Plaintiff its current reports with payment on a weekly basis in which laborers performed work. The first weekly payment of current reports will be due November 10, 2006.

As long as the above conditions are met, Plaintiff will take no action to execute upon this judgment and Plaintiff's counsel will recommend to Plaintiff a waiver of all or a substantial portion of the late charges (\$3,540.65) and attorney's fees.

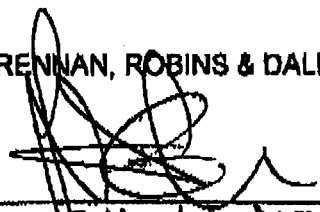
\_\_\_\_\_  
United States District Judge

CONSENTED TO:

  
\_\_\_\_\_  
Jeffrey J. Leach  
Attorney for Plaintiff

LIT:405847-1 017020-118580

BRENNAN, ROBINS & DALEY

  
\_\_\_\_\_  
Harvey Robins and Jeffrey A. Goulish  
Attorney for Defendant

11/7/06

*approved*

*Sanetta F. Ambrose*